

Congress of the United States

Washington, DC 20510
August 31, 2018

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The Honorable Ajit V. Pai
Chairman
455 12th Street, Southwest
Washington, DC, 20544

Dear Chairman Pai,

We write with great concern regarding Verizon's throttling of first responders' communications as they embarked on the dangerous job of containing the massive Mendocino Complex Fire and protecting both life and property. While Verizon announced that it would no longer impose data speed restrictions on first responders fighting the fire, this episode raises a number of questions about how the Federal Communications Commission (FCC) plans to address these critical threats to public safety.

Last year, the FCC voted to abdicate its role protecting the free and open internet and broadband users' rights by repealing the 2015 Open Internet Order and abandoning the sound legal framework of Title II for broadband. The FCC has incorrectly suggested that the Federal Trade Commission (FTC) could sufficiently fill this void. We strongly disagree with that assertion. We believe broadband providers, such as Verizon, will increasingly engage in more troubling practices like the throttling our brave first responders experienced as they worked to protect the public. The FCC continues to maintain a Public Safety and Homeland Security Bureau, which has unique expertise in public safety and a duty to ensure our communications systems, including wireless service, do not let us down when we need them most, whether during a forest fire, hurricane, or any other type of natural or human caused disaster. We write to inquire about any and all steps the FCC is taking to investigate this episode and ensure that what happened during the Mendocino Complex Fire never happens again.

Our letter does not contravene the FTC's responsibility to investigate whether Verizon's actions constitute an 'unfair or deceptive practice.' We believe that both agencies must use all of the tools available under their respective jurisdictions to investigate this public safety matter. To do nothing is unacceptable.

Please respond to this letter in writing by September 21, 2018. Thank you for your attention to this important matter.

Sincerely,


Edward J. Markey
United States Senator


Anna G. Eshoo
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 26, 2018

The Honorable Anna G. Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

I appreciate your letter regarding the problems the Santa Clara County Fire Department had using Verizon's network as they battled the Mendocino Complex Fire. I agree that first responders' communications systems must be reliable when they need them most. And our Public Safety and Homeland Security Bureau continues to work with first responders and wireless service providers to ensure that communications networks are available for emergency services both during and after a natural disaster.

As you know, Verizon's actions here did not apparently violate the Commission's *Title II Order* or the 2015 net neutrality rules—as Santa Clara County acknowledged in a recent court filing. Indeed, the *Title II Order* referred to the type of data plan Santa Clara purchased from Verizon (i.e., one where speeds are slowed after a subscriber uses a specified amount of data) as the industry norm. So I was glad to hear that Verizon offer a new plan with no speed restrictions on public safety customers in a declared emergency, even though this would mean treating some users differently from others.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ajit V. Pai".

Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 26, 2018

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

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Ajit V. Pai